IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 252 of 2004

with

CIVIL APPLICATION No 5295 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJARAT ELECTRICITY BOARD

Versus

RAJUBHAI NARENDRABHAI LAKHANI

Appearance:

1. Appeal from Order No. 252 of 2004

MR NK MAJMUDAR for Appellant No.

MR R M CHHYA for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 22/02/2005

ORAL JUDGEMENT

1. The appellant has preferred this appeal from

order being aggrieved by the order dated 09/04/2004 passed below exh.5 by the learned Civil Judge (S.D.), Bhavnagar in Special Civil Suit No.192 of 2003, whereby the said application was allowed.

2. By the impugned order dated 09/04/2004, the trial Court had directed the appellant Board not to disconnect the electricity supply of the respondent herein on condition that the respondent shall deposit 50% of the bill amount within 15 days from the date of passing of the said order. The said arrangement was directed to be continued till the final outcome in the suit.

3. I have heard learned counsel for the parties and have perused the relevant documents on record. Learned counsel for the parties have submitted that the impugned order of the trial Court may be continued till the suit pending before the said Court is disposed of while expediting its hearing.

4. Therefore, without entering into the merits of the matter, the trial Court is directed to expedite the hearing of the suit being Special Civil Suit No.192 of 2003 pending before the Court of the learned Civil Judge (S.D.), Bhavnagar and to dispose it of within a period of six months, if it is already ripe for hearing; otherwise, within a period of one year from the date of receipt of writ of this order. The impugned order of the trial Court shall continue till the final outcome in the suit.

5. With the above observations and directions, the Appeal from Order stands disposed of. Office is directed to send writ of this order forthwith.

ORDER IN CIVIL APPLICATION

In view of the order passed in the main matter, this civil application will not survive. It stands disposed of accordingly. Rule is made absolute to the aforesaid extent.

[K. S. JHAVERI, J.]
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